

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Carol A. Wilson, Administrator, et al.,	:	
	:	
Plaintiffs,	:	Civil Action No. 2:20-cv-04794
	:	
v.	:	Judge Sarah D. Morrison
	:	
Patriot Drilling, Inc.,	:	Magistrate Judge Kimberly A. Jolson
	:	
Defendant.	:	

MOTION FOR DEFAULT JUDGMENT

In accordance with Rule 55(b)(1) of the Federal Rules of Civil Procedure, Plaintiffs move the Court to enter judgment in favor of Plaintiffs and against Defendant Patriot Drilling, Inc., (“Defendant”) because Defendant is in default for failure to answer or otherwise defend Plaintiffs’ Complaint. Accordingly, Plaintiffs request the Court to enter judgment against Defendant as follows:

1. Audit findings/delinquent contributions for the period October 1, 2018, to July 1, 2020, in the amount of \$28,093.70;
2. Interest in the amount of \$4,571.60 calculated to September 15, 2020, plus \$421.53 per month thereafter as long as the judgment remains unpaid;
3. Statutory interest in the amount of \$4,571.60 calculated to September 15, 2020, plus \$421.53 per month thereafter as long as the judgment remains unpaid;
4. Court costs in the amount of \$400.00.

The Affidavit of Carol A. Wilson, Administrator, and a Memorandum are attached in support of this Motion, along with a proposed Default Judgment Entry by Clerk.

Respectfully submitted,

/s/ Daniel J. Clark

Daniel J. Clark (0075125), Trial Attorney
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
Telephone: (614) 464-6436
djclark@vorys.com

Attorney for Plaintiffs,
Carol A. Wilson, et al.

MEMORANDUM IN SUPPORT OF MOTION

On September 14, 2020, Plaintiffs filed a Complaint against Defendant for delinquent fringe benefit contributions, statutory interest assessments and other damages as specified in 29 U.S.C. Section 1132(g). The return of service shows that Gregg Evan Depew accepted service of a Summons and a copy of the Complaint as Statutory Agent of Defendant on September 22, 2020. Defendant failed to serve an Answer or other responsive pleading upon Plaintiffs within its twenty-one day deadline.

Accordingly, Plaintiffs respectfully request default judgment against Defendant for delinquent fringe benefit contributions, statutory interest assessments and other damages.

Respectfully submitted,

/s/ Daniel J. Clark

Daniel J. Clark (0075125), Trial Attorney
VORYS, SATER, SEYMOUR AND PEASE LLP
52 East Gay Street
P.O. Box 1008
Columbus, Ohio 43216-1008
Telephone: (614) 464-6436
djclark@vorys.com

Attorney for Plaintiffs,
Carol A. Wilson, et al.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of November, 2020 a true and accurate copy of the foregoing *Motion for Default Judgment* was filed via the Court's electronic filing system and served by regular U.S. mail, postage prepaid, upon:

Patriot Drilling, Inc.
c/o Gregg Evan Depew, Statutory Agent
10125 Daniels Road
Creston, Ohio 44217

/s/ Daniel J. Clark
Daniel J. Clark